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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,961	07/29/2003	Charles M. Minnix	MNX-P002-US-01	6177
27268	7590	07/14/2005	EXAMINER	
BAKER & DANIELS LLP 300 NORTH MERIDIAN STREET SUITE 2700 INDIANAPOLIS, IN 46204			LAWRENCE JR, FRANK M	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/628,961

Applicant(s)

MINNIX, CHARLES M.

Examiner

Frank M. Lawrence

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005 and 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20,21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20,21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: in paragraph 25, “mozzle” should be changed to “nozzle”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Mausgrover et al. (5,427,693).
4. Mausgrover et al. ‘693 teach a method of disinfecting raw water, comprising cleaning raw water in an inlet filter (18a), pumping the clean water with a pump (31) into an expansion tank (20), passing water from the expansion tank to an ozone impregnator (38), transferring ozonated water into an infusion chamber (40) and a UV chamber (60) that each meet the limitation of a holding tank, pumping the water back to the expansion tank for further ozone treatment, and maintaining a desired ozone level in the water using an ozone sensor (71) and control system (32) (see figure 3, col. 6, lines 37-61, col. 7, lines 1-10, col. 8, lines 8-45) with continuous recirculation until the desired ozone level is reached.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mausgrover et al. '693 in view of Contreras (5,824,243).

7. Mausgrover et al. '693 disclose all of the limitations of the claim except that excess ozone from the holding tank is recycled to the ozone impregnator. Contreras '243 discloses a water ozonization system comprising a holding tank (2) having a vent (26) for collecting excess ozone and reinjecting it into water in a recirculation loop (25) via a venturi. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Mausgrover et al. '693 by using an excess ozone collection vent in order to provide a means to capture and reuse excess ozone, thus leaving no waste (col. 4, lines 11-15).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mausgrover et al. '693 in view of Olsen (5,683,576).

9. Mausgrover et al. '693 disclose all of the limitations of the claim except that sterilized water is pumped to an outlet in communication with an outside demand when a demand is determined. Olsen '576 discloses a water ozonization treatment apparatus, comprising a pump (92) having an inlet opening fluidly connected to a raw water source (52) via a recirculation line (78) and holding tank (80), an ozone generator (18) with an ozone injector (38) for injecting ozone into the contact tank, and a switching valve (98) in communication with the pump and

Art Unit: 1724

having a first and second position to divert fluid to an outside demand in response to a signal (col. 8, lines 54-60) or a recycle to the contact tank to be reinjected with ozone (figures, col. 4, lines 25-38, col. 5, lines 25-48, col. 6, lines 10-48). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the outlet of Mausgrover et al. '693 by using a means for directing treated water to an outside demand in order to provide an automated control for treated discharge, eliminating the need for a person to monitor treatment and demand and operate the discharge system.

10. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mausgrover et al. '693 in view of Cohen et al. (4,595,498).

11. Mausgrover et al. '693 disclose all of the limitations of the claims except that the treatment step includes reverse osmosis filtering and demineralizing in a softener. Cohen et al. '498 disclose a water treatment loop comprising ozone injection with pretreatment steps that include ion exchange (210) and membrane filtration (220). It would have been obvious to one having ordinary skill in the art to modify the pretreatment step of Mausgrover et al. '693 by including demineralizing and membrane filtration in order to provide steps that increase resistivity and remove small scale particles in addition to killing bacteria present in the water, thus providing a cleaner treated water product.

#### ***Response to Arguments***

12. Applicant's arguments filed May 17, 2005 have been fully considered but they are not persuasive. Applicant argues that the Mausgrover et al. patent fails to disclose maintaining the level of the ozonated water with continuous circulation of the water, however it is submitted that maintaining of a desired level is the goal of the patent, and the water is continuously circulated

Art Unit: 1724

until the level is achieved. Any level (such as in ppm) of ozone below the desired level is maintained with continuous recirculation up until the desired level is reached, thus meeting the limitations of claim 20. The rejection over the Perkins reference has been overcome by the amendment and is withdrawn. The double patenting rejection is withdrawn because applicant is not responding to the office action pending in the other application. A notice of abandonment for 10/207,142 will be issued about the same time as this action.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

Art Unit: 1724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence  
Primary Examiner  
Art Unit 1724

*Frank Lawrence*

*7-11-05*

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